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09/921,973	08/02/2001	Hiroshi Komori	KOMORI ET AL-1	7669

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COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, NY 11576-1696

EXAMINER

PATEL, ASHOK

ART UNIT PAPER NUMBER

2879

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/921,973

Applicant(s)

KOMORI ET AL.

Examiner

Ashok Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Applicant's arguments filed 05/02/2005 have been fully considered but they are not persuasive.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese document no. 63-215533, of record.

Japanese publication 63-215533 discloses a CRT panel glass, which does not substantially contain PbO, and which contains values in mass percentages, which overlap those recited in applicant's claimed ranges of: 45 and 60% SiO<sub>2</sub>, 0-1% Al<sub>2</sub>O<sub>3</sub>, 0-3% MgO, 0-3% CaO, 5-11% SrO, 8-16% BaO, 6-8%

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ZnO, 1-6% Na<sub>2</sub>O, 5-13%K<sub>2</sub>O, 0.1-3% Li<sub>2</sub>O, 0-1.5% ZrO<sub>2</sub>, 0-3% TiO<sub>2</sub>,  
0-3% CeO<sub>2</sub>, 0-2% Sb<sub>2</sub>O<sub>3</sub>, 0-2% P<sub>2</sub>O<sub>5</sub>. (see Embodiment 1, page 177).

Since the Japanese document 63-215533 discloses percentages of all of these different compounds, which overlap applicant's claimed percentages of the different compounds, the Japanese document 63-215533 satisfies applicant's claimed ratio of 0.3-0.45 for SrO/(SrO+BaO).

It is noted that applicant's claimed absorption coefficient is intrinsic to the material, and since the Japanese publication 63-215533 discloses applicant's claimed structure fully, the Japanese publication 63-215533 anticipates applicant's claimed X-ray absorption coefficient of 36.0 cm<sup>-1</sup> or more at 0.6 Å

Regarding claims 2, the Japanese publication 63-215533 discloses that the content of SiO<sub>2</sub>, could fall within the range of 50-58% (see embodiment1, page 177).

Regarding Claim 3, Japanese publication 63-215533 further discloses that the content of Al<sub>2</sub>O<sub>3</sub> could be less than 0.9% (see Embodiment 1, page 177).

Regarding Claim 4, the Japanese publication 63-215533 further discloses that the content of each of MgO and CaO could be 2% or less (see Embodiment 1, page 177).

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Regarding Claim 5, the Japanese publication 63-215533 further discloses that the content of SrO could fall with the range of 6-10% (see Embodiment 1, page 177).

Regarding Claim 6, the Japanese publication 63-215533 further discloses that the content of BaO could fall with the range of 9-15% (see Embodiment 1, page 177).

Regarding Claim 7, the Japanese publication 63-215533 further discloses that the content of ZnO could fall with the range of 6.2-7.8% (see Embodiment 1, page 177).

Regarding Claim 8, the Japanese publication 63-215533 further discloses that the content of Na<sub>2</sub>O could fall with the range of 2-5% (see Embodiment 1, page 177).

Regarding Claim 9, the Japanese publication 63-215533 further discloses that the content of K<sub>2</sub>O could fall with the range of 6-12% (see Embodiment 1, page 177).

Regarding Claim 10, the Japanese publication 63-215533 further discloses that the content of Li<sub>2</sub>O could fall with the range of 0.5-2.5% (see Embodiment 1, page 177).

Regarding Claim 11, the Japanese publication 63-215533 further discloses that the content of ZrO<sub>2</sub> could fall with the range of 0.1-1.4% (see Embodiment 1, page 177).

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Regarding Claim 12, the Japanese publication 63-215533 further discloses that the content of  $\text{TiO}_2$  could fall with the range of 0.1-2% (see Embodiment 1, page 177).

Regarding Claim 13, the Japanese publication 63-215533 reference further discloses that the content of  $\text{CeO}_2$  could fall with the range of 0.1-2% (see Embodiment 1, page 177).

Regarding Claim 14, the Japanese publication 63-215533 further discloses that the content of  $\text{Sb}_2\text{O}_3$  could be less than 1% (see Embodiment 1, page 177).

Regarding Claim 15, the Japanese publication 63-215533 reference further discloses that the content of  $\text{P}_2\text{O}_5$  could be less than 1% (see Embodiment 1, page 177).

Regarding Claim 16, the Japanese publication 63-215533 reference further discloses that the range  $\text{SrO}/(\text{SrO} + \text{BaO})$  in the range of 0.32 to 0.43 (see Embodiment 1, page 177).

4. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication no. 3-12337, of record.

Japanese publication 3-12337 discloses a CRT panel glass, which does not substantially contain  $\text{PbO}$ , and which contains values in mass percentages, which overlap those recited in applicant's claimed ranges of: 45 and 60%  $\text{SiO}_2$ , 0-1%  $\text{Al}_2\text{O}_3$ , 0-

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3% MgO, 0-3% CaO, 5-11% SrO, 8-16% BaO, 6-8% ZnO, 1-6% Na<sub>2</sub>O, 5-13%K<sub>2</sub>O, 0.1-3% Li<sub>2</sub>O, 0-1.5% ZrO<sub>2</sub>, 0-3% TiO<sub>2</sub>, 0-3% CeO<sub>2</sub>, 0-2% Sb<sub>2</sub>O<sub>3</sub>, 0-2% P<sub>2</sub>O<sub>5</sub>. The Japanese publication 3-12337 further discloses values in mass percent, which overlaps applicant's claimed range of 0.3-0.45 for SrO/(SrO+BaO), and because the X-ray absorption coefficient is intrinsic to the material, it is noted that since the Japanese publication 3-12337 discloses the same structure then the X-ray absorption coefficient of 36.0 cm<sup>-1</sup> or more at 0.6 Å is inherently there as well (see Embodiment 1, page 219).

Regarding claims 2, the Japanese publication 3-12337 discloses that the content of SiO<sub>2</sub>, could fall within the range of 50-58% (see embodiment1, page 219).

Regarding Claim 3, Japanese publication 3-12337 further discloses that the content of Al<sub>2</sub>O<sub>3</sub> could be less than 0.9% (see Embodiment 1, page 219).

Regarding Claim 4, the Japanese publication 3-12337 further discloses that the content of each of MgO and CaO could be 2% or less (see Embodiment 1, page 219).

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Regarding Claim 5, the Japanese publication 3-12337 further discloses that the content of SrO could fall with the range of 6-10% (see Embodiment 1, page 219).

Regarding Claim 6, the Japanese publication 3-12337 further discloses that the content of BaO could fall with the range of 9-15% (see Embodiment 1, page 219).

Regarding Claim 7, the Japanese publication 3-12337 further discloses that the content of ZnO could fall with the range of 6.2-7.8% (see Embodiment 1, page 219).

Regarding Claim 8, the Japanese publication 3-12337 further discloses that the content of Na<sub>2</sub>O could fall with the range of 2-5% (see Embodiment 1, page 219).

Regarding Claim 9, the Japanese publication 3-12337 further discloses that the content of K<sub>2</sub>O could fall with the range of 6-12% (see Embodiment 1, page 219).

Regarding Claim 10, the Japanese publication 3-12337 further discloses that the content of Li<sub>2</sub>O could fall with the range of 0.5-2.5% (see Embodiment 1, page 219).

Regarding Claim 11, the Japanese publication 3-12337 further discloses that the content of ZrO<sub>2</sub> could fall with the range of 0.1-1.4% (see Embodiment 1, page 219).



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Regarding Claim 12, the Japanese publication 3-12337 further discloses that the content of  $\text{TiO}_2$  could fall with the range of 0.1-2% (see Embodiment 1, page 219).

Regarding Claim 13, the Japanese publication 3-12337 reference further discloses that the content of  $\text{CeO}_2$  could fall with the range of 0.1-2% (see Embodiment 1, page 219).

Regarding Claim 14, the Japanese publication 3-12337 further discloses that the content of  $\text{Sb}_2\text{O}_3$  could be less than 1% (see Embodiment 1, page 219).

Regarding Claim 15, the Japanese publication 3-12337 reference further discloses that the content of  $\text{P}_2\text{O}_5$  could be less than 1% (see Embodiment 1, page 219).

Regarding Claim 16, the Japanese publication 3-12337 reference further discloses that the range  $\text{SrO}/(\text{SrO} + \text{BaO})$  in the range of 0.32 to 0.43 (see Embodiment 1, page 219).

5. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kukori et al (USPN 6,790,799)

Kukori et al disclose applicant's claimed CRT panel glass which does not substantially contain  $\text{PbO}$ , and which contains values in mass percentages, which overlap those recited in applicant's claimed ranges of: 45 and 60%  $\text{SiO}_2$ ,

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0-1%  $\text{Al}_2\text{O}_3$ , 0-3%  $\text{MgO}$ , 0-3%  $\text{CaO}$ , 5-11%  $\text{SrO}$ , 8-16%  $\text{BaO}$ , 6-8%  $\text{ZnO}$ , 1-6%  $\text{Na}_2\text{O}$ , 5-13%  $\text{K}_2\text{O}$ , 0.1-3%  $\text{Li}_2\text{O}$ , 0-1.5%  $\text{ZrO}_2$ , 0-3%  $\text{TiO}_2$ , 0-3%  $\text{CeO}_2$ , 0-2%  $\text{Sb}_2\text{O}_3$ , 0-2%  $\text{P}_2\text{O}_5$ . See Table in Column 3 and claim 3. Kukori et al further disclose values in mass percent, which overlaps applicant's claimed range of 0.3-0.45 for  $\text{SrO}/(\text{SrO} + \text{BaO})$ .

As mentioned earlier in this office action, the X-ray absorption coefficient is intrinsic to the material, and Kukori et al disclose applicant's claimed structure fully then Kukori et al anticipate applicant's claimed X-ray absorption coefficient of  $36.0 \text{ cm}^{-1}$  or more at  $0.6 \text{ \AA}$

Regarding claims 2, Kukori et al discloses that the content of  $\text{SiO}_2$ , could fall within the range of 50-58% (see Table in Column 3 and claim 3).

Regarding Claim 3, Kukori et al further discloses that the content of  $\text{Al}_2\text{O}_3$  could be less than 0.9% (see Table in Column 3 and claim 3).

Regarding Claim 4, Kukori et al further discloses that the content of each of  $\text{MgO}$  and  $\text{CaO}$  could be 2% or less (see Table in Column 3 and claim 3).

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Regarding Claim 5, Kukori et al further discloses that the content of SrO could fall with the range of 6-10% (see Table in Column 3 and claim 3).

Regarding Claim 6, Kukori et al further discloses that the content of BaO could fall with the range of 9-15% (see Table in Column 3 and claim 3).

Regarding Claim 7, Kukori et al further discloses that the content of ZnO could fall with the range of 6.2-7.8% (see Table in Column 3 and claim 3).

Regarding Claim 8, Kukori et al further discloses that the content of Na<sub>2</sub>O could fall with the range of 2-5% (see Table in Column 3 and claim 3).

Regarding Claim 9, Kukori et al further discloses that the content of K<sub>2</sub>O could fall with the range of 6-12% (see Table in Column 3 and claim 3).

Regarding Claim 10, Kukori et al further discloses that the content of Li<sub>2</sub>O could fall with the range of 0.5-2.5% (see Table in Column 3 and claim 3).

Regarding Claim 11, Kukori et al further discloses that the content of ZrO<sub>2</sub> could fall with the range of 0.1-1.4% (see Table in Column 3 and claim 3).

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Regarding Claim 12, Kukori et al further discloses that the content of  $\text{TiO}_2$  could fall with the range of 0.1-2% (see Table in Column 3 and claim 3).

Regarding Claim 13, Kukori et al further discloses that the content of  $\text{CeO}_2$  could fall with the range of 0.1-2% (see Table in Column 3 and claim 3).

Regarding Claim 14, Kukori et al further discloses that the content of  $\text{Sb}_2\text{O}_3$  could be less than 1% (see Table in Column 3 and claim 3).

Regarding Claim 15, Kukori et al further discloses that the content of  $\text{P}_2\text{O}_5$  could be less than 1% (see Table in Column 3 and claim 3).

Regarding Claim 16, Kukori et al further discloses that the range  $\text{SrO}/(\text{SrO} + \text{BaO})$  in the range of 0.32 to 0.43 (see Table in Column 3 and claim 3).

6. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Naumann et al (USPN 6,403,507).

Naumann et al disclose applicant's claimed CRT panel glass which does not substantially contain  $\text{PbO}$ , and which contains values in mass percentages, which overlap those recited in applicant's claimed ranges of: 45 and 60%  $\text{SiO}_2$ ,

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0-1%  $\text{Al}_2\text{O}_3$ , 0-3%  $\text{MgO}$ , 0-3%  $\text{CaO}$ , 5-11%  $\text{SrO}$ , 8-16%  $\text{BaO}$ , 6-8%

$\text{ZnO}$ , 1-6%  $\text{Na}_2\text{O}$ , 5-13%  $\text{K}_2\text{O}$ , 0.1-3%  $\text{Li}_2\text{O}$ , 0-1.5%  $\text{ZrO}_2$ , 0-3%

$\text{TiO}_2$ , 0-3%  $\text{CeO}_2$ , 0-2%  $\text{Sb}_2\text{O}_3$ , 0-2%  $\text{P}_2\text{O}_5$ . Naumann et al

further disclose values in mass percent, which overlaps applicant's claimed range of 0.3-0.45 for  $\text{SrO}/(\text{SrO} + \text{BaO})$ , and because the X-ray absorption coefficient is intrinsic to the material, it is noted that since Naumann et al discloses the same structure then the X-ray absorption coefficient of  $36.0 \text{ cm}^{-1}$  or more at  $0.6 \text{ \AA}$  is inherently there as well (see top Table in Column 2 and claim 7).

Regarding claims 2, Naumann et al discloses that the content of  $\text{SiO}_2$ , could fall within the range of 50-58% (see top Table in Column 2 and claim 7).

Regarding Claim 3, Naumann further discloses that the content of  $\text{Al}_2\text{O}_3$  could be less than 0.9% (see top Table in Column 2 and claim 7).

Regarding Claim 4, Naumann et al further discloses that the content of each of  $\text{MgO}$  and  $\text{CaO}$  could be 2% or less (see top Table in Column 2 and claim 7).

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Regarding Claim 5, Naumann et al further discloses that the content of SrO could fall with the range of 6-10% (see top Table in Column 2 and claim 7).

Regarding Claim 6, Naumann et al further discloses that the content of BaO could fall with the range of 9-15% (see top Table in Column 2 and claim 7).

Regarding Claim 7, Naumann et al further discloses that the content of ZnO could fall with the range of 6.2-7.8% (see top Table in Column 2 and claim 7).

Regarding Claim 8, Naumann et al further discloses that the content of Na<sub>2</sub>O could fall with the range of 2-5% (see top Table in Column 2 and claim 7).

Regarding Claim 9, Naumann et al further discloses that the content of K<sub>2</sub>O could fall with the range of 6-12% (see top Table in Column 2 and claim 7).

Regarding Claim 10, Naumann et al further discloses that the content of Li<sub>2</sub>O could fall with the range of 0.5-2.5% (see top Table in Column 2 and claim 7).

Regarding Claim 11, Naumann et al further discloses that the content of ZrO<sub>2</sub> could fall with the range of 0.1-1.4% (see top Table in Column 2 and claim 7).

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Regarding Claim 13, Naumann et al further discloses that the content of  $\text{CeO}_2$  could fall with the range of 0.1-2% (see top Table in Column 2 and claim 7).

Regarding Claim 13, Naumann et al et al further discloses that the content of  $\text{CeO}_2$  could fall with the range of 0.1-2% (see top Table in Column 2 and claim 7).

Regarding Claim 14, Naumann et al et al further discloses that the content of  $\text{Sb}_2\text{O}_3$  could be less than 1% (see top Table in Column 2 and claim 7).

Regarding Claim 15, Naumann et al et al further discloses that the content of  $\text{P}_2\text{O}_5$  could be less than 1% (see top Table in Column 2 and claim 7).

Regarding Claim 16, Naumann et al et al further discloses that the range  $\text{SrO}/(\text{SrO} + \text{BaO})$  in the range of 0.32 to 0.43 (see top Table in Column 2 and claim 7).

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible

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harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1-13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/277,883. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of the co-pending application recites: a CRT panel glass as claimed by applicant, which does not substantially contain PbO and which includes all of applicant's claimed different compounds with respective ranges that are recited instant claims or that overlap with ranges recited in applicant's claims as follows:



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Claims of instant Application 09/921,973	Claims of the co-pending application 10/277,883
<p>1. A CRT panel glass which does not substantially contain PbO, and whose composition contains, in mass percentages:</p> <p>SiO<sub>2</sub>: 45 and 60%,  Al<sub>2</sub>O<sub>3</sub>: 0-1%,  MgO: 0-3%,  CaO: 0-3%,  SrO: 5-11%,  BaO: 8- 16%,  ZnO: 6-8%,  Na<sub>2</sub>O: 1-6%,  K<sub>2</sub>O: 5-13%,  Li<sub>2</sub>O: 0.1-3%,  ZrO<sub>2</sub>: 0-1.5%,  TiO<sub>2</sub>: 0-3%,  CeO<sub>2</sub>: 0-3%,  Sb<sub>2</sub>O<sub>3</sub>: 0-2%,  P<sub>2</sub>O<sub>5</sub>: 0-2%,</p> <p>the composition having specific percentages determined so that SrO/(SrO+BaO) is 0.30-0.45, causing the CRT panel glass to have an X-ray absorption coefficient of 36.0 cm<sup>-1</sup> or more at 0.6 Å.</p>	<p>1. A panel glass for a CRT whose glass is substantially free of PbO, including:</p> <p>SiO<sub>2</sub>: 45% to 60%,  Al<sub>2</sub>O<sub>3</sub>: 0% to 1.2%,  MgO: 0% to 3%,  CaO: 0% to 3%,  SrO: 7% to 15%,  BaO: 6% to 14.5%,  ZnO: 5% to 10%,  Na<sub>2</sub>O: 0.01% to 4%,  K<sub>2</sub>O: 6% to 15%,  Li<sub>2</sub>O: 0.01% to 4%,  ZrO<sub>2</sub>: 0% to 1.5%,  TiO<sub>2</sub>: 0% to 3%,  CeO<sub>2</sub>: 0% to 3%,  Sb<sub>2</sub>O<sub>3</sub>: 0% to 2%,  P<sub>2</sub>O<sub>5</sub>: 0%,</p> <p>the (above) compositions being in specific percentages ranges so that SrO/(SrO+BaO) is in 0.35 to 0.70, wherein the glass has an X-ray absorption coefficient of 36.0 cm<sup>-1</sup> or more at 0.6 Å.</p>
2. content of SiO <sub>2</sub> : 45-60%	1. content of SiO <sub>2</sub> : 45-60%
3. content of Al <sub>2</sub> O <sub>3</sub> : 0-1%	1. content of Al <sub>2</sub> O <sub>3</sub> : 0-1.2%
4. content of each of MgO and CaO: 2% or less	1. content of each of MgO and CaO: 3% or less
5. content of SrO: 6-10%	1. content of SrO: 7-15%
6. content of BaO: 9-15%	1. content of BaO: 6-14.5%
7. content of ZnO: 6.2-7.8%	1. content of ZnO: 5-10%
8. content of Na <sub>2</sub> O: 2-5%	1. content of Na <sub>2</sub> O: 0.01-4%
9. content of K <sub>2</sub> O: 6-12%	1. content of K <sub>2</sub> O: 6-15%
10. content of Li <sub>2</sub> O: 0.5-2.5%	1. content of Li <sub>2</sub> O: 0.01-4%
11. content of ZrO <sub>2</sub> : 0.1-1.4%	1. content of ZrO <sub>2</sub> : 0-1.5%

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12. content of $\text{TiO}_2$ : 0.1-2%	1. content of $\text{TiO}_2$ : 0-3%
13. content of $\text{CeO}_2$ : 0.1-2%	1. content of $\text{CeO}_2$ : 0-3%
14. content of $\text{Sb}_2\text{O}_3$ : 1% or less	1. content of $\text{Sb}_2\text{O}_3$ : 0-2%
15. content of $\text{P}_2\text{O}_5$ : 1% or less	1. content of $\text{P}_2\text{O}_5$ : 1% or less
16. $\text{SrO}/(\text{SrO}+\text{BaO})$ ratio: 0.32-0.43	1. $\text{SrO}/(\text{SrO}+\text{BaO})$ ratio: 0.32-0.43

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented. Although the co-pending application is currently allowed, it is not patented as of the date of this office action.

9. The Examiner responds to applicant's arguments as follows.

Applicant argues at middle of page 8 of the response filed on 05/02/2005 that five embodiments of the Japanese publication 03-012337 include 1.5% or more of  $\text{P}_2\text{O}_5$  and therefore, are distinctly different from the CRT panel glass of the amended claim 1.

The Examiner does not disagree with applicant in this matter. However, there are several other embodiments, such as for example Embodiment 1, at page 219 (as mentioned earlier in this office action and as mentioned in the last office action), which include all different compositions satisfying applicant's claimed corresponding different

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ranges. If a range disclosed in the prior art overlaps applicant's claimed range, then the prior art reference anticipates applicant's claimed range.

Applicant argues at page 9 of the response filed on 05/02/2005, that examples 1-14 and 16-23 include 1.8% or more of  $\text{Al}_2\text{O}_3$  and therefore, distinctly differs from the CRT panel glass of the amended claim 1.

As mentioned earlier in this office action, the Examiner does not disagree with applicant in this matter. However, there are several other examples, such as for example in the Table at column 3, claim 3 etc., which include all different compositions satisfying applicant's claimed corresponding different ranges. As mentioned earlier in this office action, if the range disclosed in the prior art overlaps applicant's claimed range, then the prior art reference anticipates applicant's claimed range.

The Examiner noted that applicant did not argue about the Examiner's prior art rejection of claims 1-16 in view of the Japanese document 63-215533 and USPN 6,403,507. Also applicant did not argue about the Examiner's obviousness-type double patenting rejection of claims 1-16.

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10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ashok Patel  
Primary Examiner  
Art Unit 2879